

REFERENCE TITLE: homeowner's associations; real estate signs

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2611

Introduced by
Representative Mason

AN ACT

AMENDING SECTIONS 33-1261 AND 33-1808, ARIZONA REVISED STATUTES; RELATING TO
CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 33-1261, Arizona Revised Statutes, is amended to
3 read:
4 33-1261. Flag display; for sale signs; applicability
5 A. Notwithstanding any provision in the condominium documents, an
6 association shall not prohibit the outdoor display of any of the following:
7 1. The American flag or an official or replica of a flag of the United
8 States army, navy, air force, marine corps or coast guard by a unit owner on
9 that unit owner's property if the American flag or military flag is displayed
10 in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810;
11 4 United States Code sections 4 through 10).
12 2. The POW/MIA flag.
13 3. The Arizona state flag.
14 4. An Arizona Indian nations flag.
15 B. The association shall adopt reasonable rules and regulations
16 regarding the placement and manner of display of the American flag, the
17 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian
18 nations flag. The association rules may regulate the location and size of
19 flagpoles but shall not prohibit the installation of a flagpole.
20 C. ~~Notwithstanding any provision~~ EXCEPT FOR CONDOMINIUMS THAT REGULATE
21 FOR SALE SIGNS in the condominium documents, an association shall not
22 prohibit the indoor or outdoor display of a for sale sign and a sign rider by
23 a unit owner on that owner's property, including a sign that indicates the
24 unit owner is offering the property for sale by owner. The size of a sign
25 offering a property for sale shall be in conformance with the industry
26 standard size sign, which shall not exceed eighteen by twenty-four inches,
27 and the industry standard size sign rider, which shall not exceed six by
28 twenty-four inches. A CONDOMINIUM MAY LAWFULLY RESTRICT THE SIZE, HEIGHT AND
29 COLOR OF FOR SALE SIGNS WITHIN THE CONDOMINIUM PROPERTY BY ADOPTING A
30 SPECIFIC PROVISION IN ITS CONDOMINIUM DOCUMENTS.
31 D. This section does not apply to timeshare plans or associations that
32 are subject to chapter 20 of this title.
33 Sec. 2. Section 33-1808, Arizona Revised Statutes, is amended to read:
34 33-1808. Flag display; political signs; caution signs; for sale
35 signs
36 A. Notwithstanding any provision in the community documents, an
37 association shall not prohibit the outdoor display of any of the following:
38 1. The American flag or an official or replica of a flag of the United
39 States army, navy, air force, marine corps or coast guard by an association
40 member on that member's property if the American flag or military flag is
41 displayed in a manner consistent with the federal flag code (P.L. 94-344; 90
42 Stat. 810; 4 United States Code sections 4 through 10).

- 1 2. The POW/MIA flag.
- 2 3. The Arizona state flag.
- 3 4. An Arizona Indian nations flag.

4 B. The association shall adopt reasonable rules and regulations
5 regarding the placement and manner of display of the American flag, the
6 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian
7 nations flag. The association rules may regulate the location and size of
8 flagpoles but shall not prohibit the installation of a flagpole.

9 C. Notwithstanding any provision in the community documents, an
10 association shall not prohibit the indoor or outdoor display of a political
11 sign by an association member on that member's property, except that an
12 association may prohibit the display of political signs earlier than
13 forty-five days before the day of an election and later than seven days after
14 an election day. An association may regulate the size and number of
15 political signs that may be placed on a member's property if the
16 association's regulation is no more restrictive than any applicable city,
17 town or county ordinance that regulates the size and number of political
18 signs on residential property. If the city, town or county in which the
19 property is located does not regulate the size and number of political signs
20 on residential property, the association shall permit at least one political
21 sign with the maximum dimensions of twenty-four inches by twenty-four inches
22 on a member's property. For the purposes of this ~~paragraph~~ SUBSECTION,
23 "political sign" means a sign that attempts to influence the outcome of an
24 election, including supporting or opposing the recall of a public officer or
25 supporting or opposing the circulation of a petition for a ballot measure,
26 question or proposition or the recall of a public officer.

27 D. Notwithstanding any provision in the community documents, an
28 association shall not prohibit the use of cautionary signs regarding children
29 if the signs are used and displayed as follows:

- 30 1. The signs are displayed in residential areas only.
- 31 2. The signs are removed within one hour of children ceasing to play.
- 32 3. The signs are displayed only when children are actually present
33 within fifty feet of the sign.
- 34 4. The temporary signs are no taller than three feet in height.
- 35 5. The signs are professionally manufactured or produced.

36 E. Notwithstanding any provision in the community documents, an
37 association shall not prohibit children who reside in the planned community
38 from engaging in recreational activity on residential roadways that are under
39 the jurisdiction of the association and on which the posted speed limit is
40 twenty-five miles per hour or less.

41 F. ~~Notwithstanding any provision~~ EXCEPT FOR A PLANNED COMMUNITY THAT
42 REGULATES FOR SALE SIGNS in the community documents, an association shall not
43 prohibit the indoor or outdoor display of a for sale sign and a sign rider by
44 an association member on that member's property, including a sign that
45 indicates the member is offering the property for sale by owner. The size of

1 a sign offering a property for sale shall be in conformance with the industry
2 standard size sign, which shall not exceed eighteen by twenty-four inches,
3 and the industry standard size sign rider, which shall not exceed six by
4 twenty-four inches. A PLANNED COMMUNITY MAY LAWFULLY RESTRICT THE SIZE,
5 HEIGHT AND COLOR OF FOR SALE SIGNS IN THE COMMUNITY BY ADOPTING A SPECIFIC
6 PROVISION IN ITS COMMUNITY DOCUMENTS.